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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

THE PEOPLE,

Plaintiff and Respondent,

v.

WILLIAM ROBERT HAWKYARD,

Defendant and Appellant.

C090673

(Super. Ct. No. 18CF07755)

During a traffic stop of defendant William Robert Hawkyard, who was a wanted suspect in another matter, officers directed defendant to lift his shirt, and a small plastic bag containing .62 grams of heroin fell to the ground. Inside the car, police found methamphetamine, marijuana, heroin, four cellular phones, and a digital scale containing heroin and methamphetamine residue. Defendant was charged with possession for sale

of methamphetamine (count 1) (Health & Saf. Code,¹ § 11378); sale, offer to sell, or transportation of methamphetamine (count 2) (§ 11379, subd. (a)); possession for sale of heroin (count 3) (§ 11351); and sale, offer to sell, or transportation of heroin (count 4) (§ 11352, subd. (a)). In addition, the information alleged that defendant had a prior strike conviction. (Pen. Code, §§ 667, subd. (d), 1170.12, subd. (b).)

Defendant pled no contest to count 1, possession for sale of methamphetamine. The remaining counts and enhancement were dismissed. The parties agreed that defendant would be resentenced on all out of county cases as well. The trial court imposed an aggregate sentence of six years in prison as follows: the middle term of four years for count 1A in Placer County case No. 62-156464, voluntary manslaughter with gross negligence (Pen. Code, § 192, subd. (c)(1)); a consecutive term of eight months for count 2B in Placer County case No. 62-127832B, evading a police officer with reckless disregard (Veh. Code, § 2800.2, subd. (a)); a concurrent term of 16 months, the middle term, for count 3B in Placer County case No. 62-127832B, second degree commercial burglary (Pen. Code, § 459); a consecutive term of eight months for count 4C in Shasta County case No. 18F1677, possession of a firearm by a felon (Pen. Code, § 29800, subd. (a)(1)); and a consecutive term of eight months in the instant case for possession for sale of methamphetamine (§ 11378).

The trial court calculated defendant's custody credits as 1,476 days for case No. 62-156464; 488 days for case No. 62-127832B; and nine days for the instant case. After considering defendant's ability to pay, the court ordered defendant to pay the fines and fees ordered in his previous cases and ordered defendant to pay a \$300 restitution fine; a revocation fine in the same amount (ordered but suspended); a criminal lab analysis fee of \$195; a \$30 conviction assessment; and a \$40 court operations assessment per count.

¹ Undesignated statutory references are to this code.

Defendant filed a notice of appeal but did not obtain a certificate of probable cause.

DISCUSSION

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts and procedural history of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of his right to file a supplemental brief within 30 days from the date the opening brief was filed. More than 30 days have elapsed, and defendant has not filed a supplemental brief. Having undertaken an examination of the entire record pursuant to *Wende*, we find no arguable error that would result in a disposition more favorable to defendant. Accordingly, we affirm the judgment.

DISPOSITION

The judgment is affirmed.

/s/
Robie, Acting P. J.

We concur:

/s/
Murray, J.

/s/
Krause, J.